

Message Text

SECRET

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16

ACTION EA-14

INFO OCT-01 ADP-00 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 ACDA-19 OMB-01 IO-13 DPW-01 AID-20 RSR-01

/123 W

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O R 040614Z AUG 73 ZFF-4

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC IMMEDIATE 5227

SECDEF WASHDC IMMEDIATE

INFO CINCPAC CAMP H M SMITH HI

COMMUSAG 7 AF NKP

AMEMBASSY PHNOM PENH

AMEMBASSY BANGKOK

AMEMBASSY SAIGON

S E C R E T VIENTIANE 5420

E.O. 11652: GDS

TAGS: MARR, PINR, LA

SUBJECT: US MILITARY ASSISTANCE ACTIVITIES IN
LAOS AFTER AUGUST 14

REF: SECDEF 2066/011820Z AUG 73

SECDEF 3892/040018Z AUG 73

1. WE HAVE NOTED WIRELESS REPORT OF AUGUST 3 INDICATING THAT DOD STATEMENT ON MILITARY ACTIVITIES AFTER AUGUST 14 STATES THAT "MILITARY ASSISTANCE AND HUMANITARIAN OPERATIONS," INCLUDING "UNARMED RECONNAISSANCE FLIGHTS FOR PURPOSE OF GATHERING INTELLIGENCE" WILL BE CONTINUED IN LAOS AND CAMBODIA AFTER CUTOFF DATE. WE ASSUME THAT THIS STATEMENT IS BASED ON GUIDANCE OUTLINED REFTELS; BUT IN VERSION QUOTED IT POSES POTENTIAL PROBLEM OF MAJOR MAGNITUDE FOR US.

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2. REFTELS CONTAIN ESSENTIAL QUALIFIER THAT VARIOUS

STIPULATED AMERICAN MILITARY ACTIVITIES ARE PERMITTED
"IF OTHERWISE AUTHORIZED." THAT QUALIFIER ENABLES US
HERE TO POINT OUT THAT WHILE ACTIVITIES DESCRIBED
(INCLUDING UNARMED RECONNAISSANCE FLIGHTS) ARE NOT
PROHIBITED BY U.S. STATUTE, WE ACKNOWLEDGE THAT THEY
MAY NONETHELESS BE PROHIBITED BY VARIOUS
LAO AND INTERNATIONAL AGREEMENTS GOVERNING
MILITARY ACTIVITIES IN LAOS. DOD STATEMENT, AS REPORTED
ON WIRELESS DOES NOT INCLUDE QUALIFIER AND IN FACT
ANNOUNCES THAT UNARMED RECONNAISSANCE FLIGHTS WILL BE
CARRIED OUT.

3. AS DEPARTMENT AWARE: PARAGRAPH 3B OF VIENTIANE
AGREEMENT OF FEBRUARY 21 FORBIDS, AMONG OTHER MILITARY
ACTIVITIES, "ESPIONAGE BY AIR AND GROUND MEANS." WHILE
RLG NEGOTIATIONS HAVE TOLD US PRIVATELY THAT THEY HOLD
ARTICLE 3(B) PROHIBITS ONLY ARMED AIR RECONNAISSANCE,
THEY ACKNOWLEDGE LPF PROBABLY HAS CONTRARY VIEW. LPF
HAS INDEED AUTHORITATIVELY AND REPEATEDLY ASSERTED THAT
IT REGARDS "ANY RECONNAISSANCE OVER-FLIGHT OF ITS ZONE
AS A VIOLATION OF ARTICLE 3(B) (VIENTIANE 1821 OF MARCH
13).

4. USG IS PUBLICLY COMMITTED TO COMPLYING WITH THE
LAOS CEASEFIRE AGREEMENT AND WE HAVE ALSO TOLD LAO
PARTIES THAT WE SUPPORT A NEGOTIATED SETTLEMENT IN LAOS.
NEGOTIATORS NOW SEEM TO BE ENTERING FINAL STAGES OF
DRAFTING PROTOCOL TO IMPLEMENT CEASEFIRE AGREEMENT.
QUESTION OF GOOD FAITH OF LAO PARTIES AND OF USG AND
DRV IS OF COURSE CRITICAL TO SUCCESSFUL OUTCOME OF
NEGOTIATIONS. IN THESE CIRCUMSTANCES, WE BELIEVE IT
PARTICULARLY UNTIMELY TO STATE PUBLICLY THAT WE WILL
CONTINUE RECONNAISSANCE FLIGHTS, AN ACT WHICH LPF
CONSIDERS VIOLATION OF LAO CEASEFIRE AGREEMENT.

5. DEPARTMENT MAY WISH TO CONSIDER HAVING APPROPRIATE
USG SPOKESMAN IN WASHINGTON ELABORATE ON DOD STATEMENT,
INDICATING THAT IT PERTAINED EXCLUSIVELY TO EFFECT OF
US STATUTE ON US MILITARY ACTIVITIES BUT THAT U.S.
MILITARY ACTION IN LAOS IS ALSO AFFECTED BY LAO AND
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INTERNATIONAL AGREEMENTS. WE INTEND TO MAKE SIMILAR
OBSERVATION HERE IN RESPONSE TO ANY QUERIES WE MIGHT
RECEIVE.
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